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3
4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
6

7 MONTE HANEY, V72062,

8 Petitioner,

9 v.

10 M.E. SPEARMAN, Warden,

11 Respondent.

Case No. [18-cv-02609-CRB](#) (PR)

**ORDER DISMISSING PETITION
FOR A WRIT OF HABEAS
CORPUS AS SECOND OR
SUCCESSIVE PETITION**

(ECF No. 3)

12 Petitioner, a state prisoner currently incarcerated at High Desert State Prison, has filed a
13 second or successive petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging a
14 March 2005 conviction from San Francisco County Superior Court. His first petition was denied
15 on the merits on May 1, 2009. See Haney v. Adams, No. 07-cv-4682-CRB (N.D. Cal. May 1,
16 2009) (order denying petition for a writ of habeas corpus).

17 A second or successive petition may not be filed in this court unless petitioner first obtains
18 from the United States Court of Appeals for the Ninth Circuit an order authorizing this court to
19 consider the petition. See 28 U.S.C. § 2244(b)(3)(A). Petitioner has not obtained such an order
20 from the Ninth Circuit. The petition accordingly is DISMISSED without prejudice to refiling if
petitioner obtains the necessary order.

21 But based solely on petitioner's affidavit of poverty, his application to proceed in forma
22 pauperis (ECF No. 3) under 28 U.S.C. § 1915 is GRANTED.

23 The clerk is instructed to close the file.

24 **IT IS SO ORDERED.**

25 Dated: May 9, 2018

26 

27 CHARLES R. BREYER
28 United States District Judge

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2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 MONTE HANEY,
6 Plaintiff,
7 v.
8 M.E. SPEARMAN,
9 Defendant.

Case No. 3:18-cv-02609-CRB

CERTIFICATE OF SERVICE

10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.
11 District Court, Northern District of California.
12

13 That on May 9, 2018, I SERVED a true and correct copy(ies) of the attached, by placing
14 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
15 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
16 receptacle located in the Clerk's office.
17

18 Monte Haney ID: V-72062
19 High Desert State Prison C2-214
20 P.O. Box 3030
21 Susanville, CA 96127

22 Dated: May 9, 2018

23 Susan Y. Soong
24 Clerk, United States District Court

25 By: 
26 Lashanda Scott, Deputy Clerk to the
27 Honorable CHARLES R. BREYER
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